

From: Frontline [frontline@pbs.org]
Sent: Thursday, February 26, 2004 10:46 AM
To: Laham, Michael S
Subject: Re: general frontline mail

Thank you for your suggestion. We will keep it in mind when discussing ideas for future programs.

-FRONTLINE

On Thursday, February 26, 2004, michael.s.laham@boeing.com wrote:
>general comment

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>TO: WGBH Frontline:

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>Below is a story of judicial misconduct that you might want to
>publish and circulate:

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>Judge James H. Poole, of the Central Justice Center of the
>Orange County Superior Court, 700 Civic Center Drive West,
>Santa Ana, CA 92701, IGNORED key facts of my case and ruled
>CONTRARY to legal precedents (doctrine of "stare decisis") in
>my Small Claims lawsuit against the City of Irvine, CA, for
>their police department's malicious prosecution of me for a
>totally groundless charge of making annoying phone calls.
>Their malicious prosecution cost me \$5,000.00 in attorney fees,
>for which I sued them. This was Case Number 03CS007196, which
>went to trial on 18 December 2003 at Division C61 of the Orange
>County, CA Superior Court.

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>In order to win our case against the Irvine Police Department
>(IPD), we had to prove four (4) points, per the criteria
>established in the case of Sheldon Appel Co. v. Albert & Oliker
>[254 Cal.Rptr. 336, 47 Cal.3d 863]:

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>Point 1: "Prosecution was commenced at direction of Defendant."
> This is proved by statement of IPD Investigator Cristal Hayes
>in IPD Police Report DR 01-19823.

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>Point 2: "Prosecution was pursued to legal termination in my
>favor." This is proved by the D.A.'s unilateral dismissal of
>the charge against me in the prior case; see the Docket Report
>for (prior) Case IR02HM00216.

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>Point 3: "Prosecution was brought without probable cause."
>This is proved by IPD Police Report DR 01-19823, which shows
>that IPD had NO evidence that I made any phone calls. Yet
>Judge James H. Poole writes, "[Plaintiff's] primary basis for
>malicious prosecution] was failure of Irvine P[olice] to
>contact him for his side of story. = Not Malice." [See his
>handwritten statement on Plaintiff's Claim form, from Docket
>for Case #03CS007196.] He COMPLETELY IGNORED the legal

>precedent of the case of Puryear v. Golden Bear Insurance
>Company [66 Cal.App.4th 1188, 78 Cal.Rptr.2d 507], which
>establishes that THERE IS NO PROBABLE CAUSE WITHOUT EVIDENCE AS
>TO WHO DID IT. The IPD needed to contact me in order to know
>WHO DID IT, because all that their two phone traps indicated is
>that a call occurred from one phone number to another, not WHO
>the caller was.

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>Point 4: "Prosecution was initiated with malice." Judge James
>H. Poole writes, "[Plaintiff's] primary basis for malic[ious
>prosecution] was failure of Irvine P[olice] to contact him for
>his side of story. = Not Malice." [See his handwritten
>statement on Plaintiff's Claim form, from Docket for Case
>#03CS007196.] He COMPLETELY IGNORED the legal precedent of the
>case of Baker v. Gawthorne [82 Cal.App.2d 496, 186 P.2d 981],
>which establishes inference of malice from REFUSAL TO DO
>RESEARCH before filing a complaint. The IPD refused to contact
>me to find out whether or not they had a case against me.

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>To further substantiate Point 4, "initiated with malice," I
>also addressed to Judge James H. Poole the very different
>treatment the IPD gave to Melinda Sidor, victim of (annoying?)
>calls consisting of munching potato chips, a child playing with
>a toy, and inaudible mumbling (See D.A. evidence tape.), versus
>treatment the IPD gave us, victim of a violent next-door
>neighbor, Sean Robert Norton, who attempted to batter my wife
>and vandalized our property. These two cases occurred
>CONCURRENTLY. Yet:

> (a) The IPD, at VICTIM'S REQUEST (see IPD Report DR
>01-19823), PROSECUTED me. But despite OUR REPEATED REQUESTS,
>the IPD refused to EVEN SPEAK to our violent next-door
>neighbor. (see IPD Report DR 02-06198)

> (b) I, the suspect of the annoying phone call case, have NO
>criminal record. But our neighbor, the suspect of vandalism to
>our property and attempted battery, has A CRIMINAL RECORD of
>which the IPD is aware because they arrested him (IPD Report
>99-05576). Sean Robert Norton was convicted for being under
>the influence of methamphetamine (Docket for Case #99HM03522).

> (c) The IPD had NO evidence against me that I made any
>annoying phone calls to Melinda Sidor. All they had were two
>(2) phone traps on my home phone while I was at work 30 miles
>away. (See Sprint phone bill, letters from team leader and
>cube-mate, and lab report.) They had four (4) postcards
>containing no threats or obscene language (see IPD Report DR
>01-19823) without ANY evidence that they came from me. But the
>IPD had my wife's EYEWITNESS statement that she was the victim
>of an attempted assault and battery, and they had photos of our
>kicked-in front door and a photo placed on our car threatening to
>steal or vandalize it.

> (d) Melinda Sidor ONLY HAD TO CHANGE HER PHONE NUMBER. But
>(i) since we could not file a restraining order against our
>violent next-door neighbor who continued to harass us because
>we shared the only stairwell to our front and only doors, and
>(ii) since the IPD refused to contact him, OUT OF DURESS WE

>MOVED, costing us \$2,392.64 (See hotel and storage invoices.)
>in emergency moving costs. The IPD wanted to cover up the fact
>that they never contacted our violent next-door neighbor, so
>they REFUSED, despite our repeated requests, to give us a
>proper copy of the police report (See our letters to IPD dated
>9/19/02, 9/27/02, and 10/18/02, and IPD letter dated 9/25/02.),
>(i) for which we paid the \$15.00 processing fee, (ii) in which
>we were victims, and (iii) to which California Government Code
>6254(f) says we are entitled. A proper copy would include the
>suspect's statement, which would show that the IPD at least
>contacted the violent next-door neighbor. Instead, all they !
> gave us was a copy of IPD Police Report DR 02-06198 WHICH ONLY
>HAD OUR OWN NARRATIVE IN IT!

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>Yet Judge James H. Poole COMPLETELY IGNORED this CONTRAST in
>the IPD's handling of these two concurrent cases. The contrast
>of the two concurrent cases shows a DOUBLE STANDARD and BIAS
>against my family, which proves Point 4, "initiated with
>malice."

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>In any fair and legal court, I would have won my case, because
>I proved all four points via hard evidence needed to
>substantiate malicious prosecution. Is this how corrupt judges
>get away with rendering corrupt verdicts - by ignoring the
>pertinent facts of a case and breaking legal precedents?
>Especially in Small Claims court, where there is no
>word-for-word record of the hearing so that the judge never
>goes on record, and a plaintiff cannot appeal?

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>Judge James H. Poole writes, "[Plaintiff] failed to prove
>malice - Note phone t[r]aps." [See his handwritten statement
>on Plaintiff's Claim form, from Docket for Case #03CS007196.]
>Does he say this because he wants people to believe that I
>cannot prove malicious prosecution just because two phone traps
>existed - which could be phoney? This is false because IPD
>never proved WHO made the calls.

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>The ruling in this case, Laham v. City of Irvine, sends the
>message to all that it is OK for a judge to rule AGAINST THE
>LAW by breaking legal precedents (doctrine of "stare decisis"),
>and for police to escape accountability for their actions.
>This means that any police agency can harass any innocent
>law-abiding citizen they do not like with absurd,
>unsubstantiated charges and make them spend thousands of
>dollars on attorney fees or go to jail and lose their jobs if
>they cannot afford a decent attorney.

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>One can rationalize, "This only happens to bad people," but it
>happened to me, Michael Laham, a law-abiding professional who
>lives in an upper middle-class neighborhood. And one can
>rationalize, "This only happens to a few people." We always
>had a lot of respect for the police because we believed that
>they risk their lives to protect the innocent, but our life
>EXPERIENCES with them have unfortunately taught us otherwise.

>Unless we Americans UNITE, ORGANIZE, and COLLECTIVELY FIGHT to
>stop this sort of police misconduct and malicious persecution,
>anybody in this land of the free and home of the brave could be
>next!

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>Anyone who wishes further information can contact me (Michael
>Laham) at P. O. Box 5248, Orange, CA 92863-5248.

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>I hope this story is of interest and use to you all at WGBH
>Frontline.

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>Michael Laham

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>5.0; U)